UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

UNITED STATES OF AMERICA	*	CRIMINAL NO. 16-CR-00292
	*	
VERSUS	*	DISTRICT JUDGE MINALDI
	*	
OMEGA PROTEIN, INC.	*	MAGISTRATE JUDGE WHITEHURST

STIPULATED FACTUAL BASIS FOR GUILTY PLEA

NOW INTO COURT, come the UNITED STATES OF AMERICA, the defendant, OMEGA PROTEIN, INC. (hereinafter "OMEGA"), represented by a designated company official and by their undersigned counsel, Gregory F. Linsin and Dorothy Manning Taylor, and for purposes of providing the Court with a factual basis for a plea agreement pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, stipulate as follows:

OMEGA is a corporation located in Louisiana and incorporated under the laws of Virginia. The undersigned is the President and Chief Executive Officer with OMEGA and is authorized to enter into this plea agreement and stipulation on behalf of OMEGA pursuant to the Corporate Resolution attached hereto.

OMEGA is a producer of omega-3 supplements and other products derived from fish. OMEGA operates a processing plant in Abbeville, Louisiana where fish are processed into oils used in the production of nutritional supplements. At the Abbeville plant, OMEGA maintains an effluent pond to treat process water from the operations at the processing plant. Process water from the plant is pumped into an effluent pond, and the effluent pond treats the process water to ensure that the water that is discharged from the pond meets the limits set forth in the plant's Clean Water Act permit issued by the Louisiana Department of Environmental Quality ("LDEQ").

The LDEQ issued a permit to OMEGA to allow for the discharge of water from the effluent pond, after treatment, from Outfall 001 into a navigable water of the United States, *i.e.*, the Vermillion River. Pursuant to authority delegated to LDEQ by the U.S. Environmental Protection Agency, the provisions of the permit are federally enforceable under Section 1342 of Title 33 of the United States Code. The General Manager of the processing plant is the signatory on OMEGA's permit allowing for the discharge of water from the effluent pond into the navigable water of the United States. OMEGA's permit requires that OMEGA periodically sample the discharges from the pond and submit the results of laboratory analyses of those samples to LDEQ and also to report to LDEQ all discharges from the pond into the navigable water of the United States.

On or about December 8, 2014, at the direction of a manager at the Abbeville plant, employees placed a hose into the effluent pond and connected that hose to a pump. Then, they connected the pump to an evacuation hose that they placed on a berm that was adjacent to a canal that emptied into a navigable water of the United States. The employees then activated the pump thereby causing the discharge of pollutants from the effluent pond into a navigable water of the United States. This discharge was not monitored or sampled, and it was not made through Outfall 001.

Thus, the discharge was made in violation of the Clean Water Act permit issued to OMEGA by LDEQ.

On or about February 1, 2016, at the direction of a manager at the Abbeville plant, OMEGA employees again placed a hose into the effluent pond and connected that hose to a pump connected to a tractor. Then, they connected the pump to an evacuation hose that led to a drain that flowed into a canal that emptied into a navigable water of the United States. The employees then activated the pump thereby causing the discharge of pollutants from the effluent pond into a navigable water of the United States in violation of the Clean Water Act permit issued to OMEGA by the LDEQ.

For the purposes of venue, at least one act in the furtherance of each of the crimes charged in Counts one and two of the Bill of Information occurred within the Western District of Louisiana.

[signature]
JOHN D. HELD, Vice President
OMEGA PROTEIN, INC.

January 18, 2017
DATE

[signature]
GREGORY F. LINSIN
Counsel for Defendant

January 18, 2017
DATE

[signature]
DOROTHY TAYLOR
Counsel for Defendant

January 18, 2017
DATE

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12/15/16
DATE